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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 LEIGH-DAVIS GLASS,) No. C 08-1585 JSW (PR)
9 Petitioner,)
10 vs.) **TRANSFER ORDER**
11 ROBERT E. MCFADDEN,)
12 Respondent.) (Docket No. 2)
13

14 The instant action is a pro se petition for a writ of habeas corpus, filed pursuant to
15 28 U.S.C. § 2241, by a federal prisoner incarcerated at the Federal Prison Camp–
16 Victorville, in Adelanto, California. Adelanto is located in San Bernardino County,
17 which lies within the venue of the Central District of California.

18 A writ under § 2241 “can issue only from a court with jurisdiction over the
19 prisoner or his custodian.” *Mills v. Taylor*, 967 F.2d 1397, 1400 (9th Cir. 1992) (citing
20 *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494-95 (1973)). However, “venue
21 considerations may, and frequently will, argue in favor of adjudication of the habeas
22 claim in the jurisdiction where the habeas petitioner is confined.” *Chatman-Bey v.*
23 *Thornburgh*, 864 F.2d 804, 813 (D.C. Cir. 1988). As a general matter, federal courts
24 take the position that the district of confinement “is normally the forum most convenient
25 to the parties,” *McCoy v. United States Bd. of Parole*, 537 F.2d 962, 965 (8th Cir. 1976),
26 and therefore, “in the interests of justice,” exercise their discretion to transfer petitions to
27 the district of confinement pursuant to 28 U.S.C. § 1404(a). *See id.*; *see also Dunne v.*
28 *Henman*, 875 F.2d 244, 249-50 (9th Cir. 1989) (suggesting that preferred forum is

1 district where petitioner is confined, even where district court has personal jurisdiction
2 over custodian).

3 Because petitioner is incarcerated in the Central District of California, and was
4 convicted there, the Central District of California is the more convenient forum.
5 Accordingly, this action is hereby TRANSFERRED to the United States District Court
6 for the Central District of California under 28 U.S.C § 1404(a).

7 In light of this transfer, the Court will defer to the Central District for ruling on
8 Petitioner's motion for leave to proceed *in forma pauperis*.

9 The Clerk shall terminate Docket No. 2 on this Court's docket.

10 IT IS SO ORDERED.

11 DATED: May 13, 2008


12 JEFFREY S. WHITE
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LEIGH-DAVIS GLASS,

Case Number: CV08-01585 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

ROBERT E. MCFADDEN et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 13, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Leigh-Davis Glass
Reg No. 24821-112
Federal Prison Camp-FCC Victorville
P.O. Box 5100
Adelanto, CA 92301

Dated: May 13, 2008

Jennifer Ottolini
Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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